

Town of Fairfax



Selectboard Meeting
July 15, 2019

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written into an amended version of the minutes, which will also be made available to the public.

Selectboard Members Present: Steven Cormier, Chair; Randy DeVine, Vice-Chair; Duane Leach; and Stephen Bessette

Public Present: Kevin Tobey, Thomas Grace, Kelly Conwell, Sarah Barnes, Robin Grace

Employees Present: Brad Docheff, Deb Woodward

Call to Order: S. Cormier called the meeting to order at 7:00 pm.

Minutes: 7-1-19 R. DeVine moved to accept the minutes as written, seconded by D. Leach, all in favor.

Accounts Payable & Payroll Warrants: The Town warrants and Utility warrants were reviewed by S. Cormier, all approved by Board.

Public Comment: A group of residents from the Sam Webb Road and Potter Road neighborhood came in seeking assistance from the Selectboard with regard to problems they are having with a private motocross track that has been constructed in a neighbor's yard. The track is used frequently and the noise and dust emitted from the track has created a disturbance to the quality of life for members of the neighborhood. Decibel levels of over 90dB are being produced at the property lines of multiple neighbors, and dust is being released to neighbors' homes and property. Thom Grace spoke to the Board and noted that this is a clearly a case of disturbing the peace. It was reported that when the neighbor in question was approached, he responded by being extremely aggressive and using threatening language on more than one occasion. It is a continuing problem and the neighborhood does not know what to do.

S. Cormier inquired whether or not the police had been called. They had not, due to apprehension of potential repercussions from the neighbor in question. S. Cormier responded that he wished the police had been called about the threatening behavior and asked, "What can we do to help you?"

Mr. Grace asked what restrictions were in place to prevent this, and what enforcement could be done.

Kelly Connell addressed the Board and asked “What can you, as a Board, do for us?” Acknowledging that separate law enforcement issues exist, Mr. Connell pressed for specific action that the Board could and would take to help this group of neighbors.

B. Docheff responded that the issues of noise and dust were covered by the Fairfax Development Regulations and that the matter was currently being investigated by the Zoning Office. Fairfax does not currently have a noise ordinance, but there are limitations set forth in Section 5.5 of the Regulations regarding what is allowable per land uses. Docheff noted that he was familiar with the situation and was working with the Zoning Office to ensure an accurate interpretation and enforcement of the rules. Docheff also noted that the Town had attempted to reach out to the neighbor in question to work towards a remedy and had since been in contact on multiple occasions with an attorney working on behalf of the neighbor. The Town will be asking its legal counsel to review any decision that is put forth, and requested that the visiting group be patient with the process and procedures in place.

R. DeVine suggested that the neighbors may want to pursue a civil suit in this case.

Other members of the group spoke, relating their own experiences and concerns with the situation and the process in place. The presence of young children in the neighborhood was brought up, as well as future security concerns. It was reiterated that something needed to be done as this was affecting livability as well as property valuation. S. Cormier expressed his sympathy for their situation and again asked for patience while the process from the municipal end played out. He again suggested calling law enforcement to deal more directly with the issue.

Further questions regarding a wellhead and installed pond on the site of the property in question were brought up. The group was referred to State regulations on this issue, as they are the body that oversees this permitting.

Discussion was also raised about the processes for putting into place a Noise Ordinance, as well as the related issue of firearm usage on private property. Fairfax does not have a Gun Ordinance either, so again, it was noted that there was not much the legislative body could do immediately to address that.

Robin Grace noted that the members present were only about a third of the concerned neighbors. Docheff concurred based on his correspondence with neighbors in the area. He also made the point that as Fairfax grows and shifts demographically, attention will have to be paid to what rules and regulations are addressed and introduced, but that that would have to be done carefully and with consideration of all residents and past history.

Docheff read an email from another resident, Scott Stillman, noting many of the same concerns put forth by the residents in attendance.

The Board considered what could be done by the Town and suggested Docheff reach out to the Franklin County Sheriff's Office to focus more patrols in the area in question.

Correspondence:

- LNP Inc. (c/o Al Senecal) submitted four applications for sewer allocation extensions at Paige Estates. Amy Sears, Utility Manager, had informed the Board that she had no problem granting the extensions. R. DeVine noted that this construction project has been actively moving forward from “day 1” and suggested allowing the extensions. S. Bessette made the motion to grant the requested allocation extensions, D. Leach seconded, all in favor.
- Water Infrastructure Financing Programs- Change of Authorized Representative form was sent, and would authorize Amy Sears, Utility Manager, to serve as the authorized contact for correspondence with the State of Vermont regarding projects funded through the Vermont Municipal Bond Bank. S. Bessette made the motion to authorize Amy as a representative, D. Leach seconded, all in favor.

Tax Rate: Deb Woodward was in to discuss a preliminary tax rate. She is still waiting to hear from the State regarding the Educational Tax Rate. There has been a hold up with the State and she is not clear on exactly when the rate will come in. The Supervisory Union has submitted the information to the State, but the school merger process seems to have slowed the process of getting a finalized rate. The preliminary municipal tax rate proposed is .5469. A potential Special Meeting may be held on Monday, 7/22, for the Board to formally adopt the tax rate once all information is in.

Current Expense Note: Paperwork regarding rolling the current note of expense the Town holds into its line of credit for FY2020 was issued. Since the Board had already discussed and dealt with this matter, no vote was necessary. No further discussion was required and the paperwork was signed.

Update to Town Road and Bridge Standards: As of August 1, 2019, the previously adopted Town Road and Bridge Standards will not be recognized by the State. A new, updated standard has been offered for adoption. The new standard better considers hydrologically-connected road segments and the guidelines of the Municipal Road General Permit. After review with Highway Supervisor Tim Germaine, Docheff suggested adoption by the Board. S. Bessette made the motion to adopt the new 2019 Town Road and Bridge Standards, D. Leach seconded, all in favor.

Town Manager Updates:

- Andrew Davis from SAI Communications reached out again regarding the proposed Verizon tower on Town property along Fletcher Road. Verizon has once again given this project a green light, and Mr. Davis wanted to pick up where we left off. Docheff had a meeting with Davis and Brian Sullivan of MSK Attorneys to discuss having a formal public informational meeting. It was proposed that the meeting take place at 7pm on Monday, September 9th, subject to confirmation.
- 4th of July celebrations were a great success. There was solid attendance at our parade and many participants. The Party in

the Park surpassed expectations and was truly a great event. Credit must be paid to the Recreation Department. Brian LaClair did an amazing job putting the event together and Adam Morgan did a wonderful job assisting. Thanks to the Fairfax Fire Department for all of their help and volunteering, and to the community for coming out for a great night of fun, music, and fireworks. All reviews thus far have been very positive.

- The committee for evaluating proposals responding to our Wastewater Treatment System RFQ met. There were 6 respondents. The Town is moving forward with negotiations with the top-ranked firm, but have not finalized an agreement to date.
- Feelers were put out to the community about forming a Fairfax Arts Council. There has been a good response and we will be moving forward with setting up an introductory meeting.
- Brian LaClair will be heading the Vermont Council on Rural Development's leadership summit on August 12th. This is a great opportunity for community leaders and Brian will be the Town's nominee for free attendance.
- Community Build Day for the Community Corner park is scheduled for Saturday, 7/27. Word is getting out and the pieces are coming together. The Highway Department has been very helpful in getting the site ready.
- There is a proposed rate hike for Blue Cross Blue Shield of Vermont. The public comment period for this issue ends on July 25th and there will be a public hearing on Tuesday, 7/23, from 4:30-6:30pm at Montpelier City Hall.

Other Business:

- S. Bessette informed the Board that he spoke to Melissa Austin regarding reimbursement from the 2017 wind storm. We are waiting for word on processing the funding for administrative costs. There is more paperwork to do!

Adjournment: At 8:08, S. Bessette made the motion to adjourn, seconded by D. Leach, all in favor.

The minutes were respectfully submitted by Brad Docheff, Town Manager.

Steven Cormier
Selectboard Chair